

**Notice of Allowability****Application No.**

09/904,987

**Applicant(s)**

DOUGLAS ET AL.

**Examiner**

Samuel W Liu

**Art Unit**

1653

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Papers filed 5-9-03 and 9-9-03.
2. ☒ The allowed claim(s) is/are 18-20,22-36 and 38-46.
3. ☒ The drawings filed on 12 July 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
(a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.  
(b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.  
(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- 1 ☐ Notice of References Cited (PTO-892)  
3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
5 ☐ Information Disclosure Statements (PTO-1449), Paper No. \_\_\_\_\_.  
7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- 2 ☐ Notice of Informal Patent Application (PTO-152)  
4 ☐ Interview Summary (PTO-413), Paper No. \_\_\_\_\_.  
6 ☒ Examiner's Amendment/Comment  
8 ☐ Examiner's Statement of Reasons for Allowance  
9 ☐ Other

### **DETAILED ACTION**

This Office action is in response to (i) applicants' amendments filed 9 September 2003 which cancels claims 21 and 37; and (ii) applicants' amendment filed 9 May 2003 which cancels claims 1-17 and 47-48, and amnds claims 18-46. The amendments indicated above have been entered.

The pending claims 18-20, 22-36 and 38-46 are therefore examined in this Office action.

### **EXAMINER'S AMENDMENT**

An Examiner's Amendment to the record appears below. Should the change and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it MUST be submitted no latter than payment of the Issue Fee.

#### **Amendments to the specification:**

In page 1, replace the first paragraph with the following:

This is a continuation-in-part of U.S. Patent Application No. 09677500 filed October 2, 2000, which is a continuation-in-part of U.S. Patent Application No. 09/657554, filed September 8, 2000 (now U.S. Patent No. 6579891), a continuation-in-part of U.S. Patent Application No. 09/657989, filed September 8, 2000 (now U.S. Patent No. 6410570), and a continuation-in-part of U.S. Patent Application No. 09/127620 filed August 1, 1998 (now U.S. Patent No. 6127393), which is now U.S. Patent No. 6127393, which is a continuation-in-part of U.S. Patent Application No. 08/843157, filed April 11, 1997, now abandoned, which is a continuation-in-part of U.S. Patent Application No. 08/581351 filed December 29, 1995 (now U.S. Patent No. 5767135), which claims priority to U.S. Provisional Patent Application No. 60/024221, filed October 22, 1996 and to U.S. Provisional Patent Application No. 60/026992, filed September 20, 1996.

In page 1, line 29, change "Creutzfeldt-Jakob" to "Creutzfeldt-Jakob".

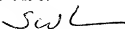
In page 12, line 16, add "spectrum" after "ORD or CD".

*Conclusion:* claims 18-20, 22-36 and 38-46 are allowable over the art of record.

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Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Samuel Wei Liu, Ph.D. whose telephone number is (703) 306-3483. The Examiner can normally be reached daily except alternate Fridays from 8:30 A.M. to 5:30 P.M. If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Christopher Low, can be reached at (703) 308-2329. The official fax phone number for Technology Center 1600 is (703) 308-4242.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 1600 receptionist whose telephone number is (703) 308-0196.

  
Samuel Wei Liu, Ph.D.  
September 25, 2003

  
KAREN COCHRANE CARLSON, PH.D.  
PRIMARY EXAMINER